

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-CR-256-BO
NO. 5:12-CV-392-BO

CHRISTOPHER JABAR GREEN,)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
Respondent.)


ORDER

This matter is before the Court on Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE 28]. Petitioner, Mr. Green, asserts that he is not guilty of having been a felon in possession of a firearm in violation of 18 U.S.C. § 922(g) and 924 in light of the Fourth Circuit's holding in *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc).

The government has responded to Mr. Green's § 2255 petition, stating that it waives its reliance on the statute-of-limitations defense and conceding that Mr. Green has a meritorious claim [DE 33].

In light of the foregoing and the hearing held in this matter on August 29, 2012, the Court allows Mr. Green's § 2255 petition. Accordingly, Mr. Green's Motion to Vacate is GRANTED. The judgment and conviction entered in this matter on May 30, 2008, is hereby VACATED and Mr. Green is ORDERED to be released from federal custody forthwith.

SO ORDERED, this 29 day of August, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE